

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated July 31, 2001, in which: claims 1-19 are rejected under 35 USC 103(a) as unpatentable over Sauer et al. (US Patent 6,011,821; hereinafter "Sauer") in view of Olafsson (US Patent 6,081,567); claim 8 has been rejected under 35 USC 112, second paragraph, for being indefinite; and claims 1-19 are objected to because of an informality. Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-19 are now pending the above-referenced patent application. Claim 8 has been amended. No claims have been cancelled or added.

It is noted that while the Examiner has provided a copy of the PTO-1449 form, he has neglected to initial all the documents cited. It is respectfully requested that he sign his initials in the appropriate block and send a new copy of the PTO-1449 form to Applicants with his next office action.

The Examiner objected to the claims because he asserts that the claims section should begin with a different phrase. Without necessarily agreeing with the Examiner's position, Applicants have entered the foregoing amendment to the specification addresses the Examiner's concern. It is respectfully asserted that this change neither narrows nor limits the scope of the claims as originally presented, and, furthermore, results in no prosecution history estoppel. It is respectfully requested that the Examiner withdraw this ground of objection.

The Examiner has also rejected claim 8 under 35 USC 112, second paragraph, for being indefinite. Claim 8 has been amended to correct the minor and inadvertent typographical error noted by the Examiner. It is respectfully asserted that this amendment neither narrows nor limits the scope of the claim as originally presented, but, rather, clarifies with correct language what had originally been intended, but for the inadvertent typographical error. Therefore, no prosecution history estoppel results from this change. Furthermore, it is respectfully asserted that reference to the base claim, claim 1, makes clear what is meant by the term "end" that is recited in the claim.

The Examiner has rejected claims 1-19 under 35 USC 103 as being unpatentable over Sauer in view of Olafsson. This rejection of these claims by the Examiner is respectfully traversed.

Beginning first with claim 1, it recites:

"A method of synchronizing two ends of a bi-directional network communication path comprising:

repeatedly transmitting from an end of the bi-directional communication path a sequence of predetermined characters if reception is lost at that end; and

resynchronizing the link from both ends if the sequence of predetermined characters is received at the other end."

It is respectfully asserted that neither Sauer nor Olafsson, either individually or in combination, renders the subject matter of this claim obvious. Applicants also assert that the proposed combination is improper, as explained below.

Neither Sauer nor Olafsson, either individually or in combination, address loss of reception as claimed and described in the above-referenced patent application. The Examiner points to column 3, lines 7-15 of Sauer; however, loss of reception is not discussed there or elsewhere in Sauer either explicitly or inherently. Therefore, while Applicants agree that embodiments of the present invention are not excluded from being employed to synchronize in situations corresponding to the events listed, these situations are not necessarily features recited in claim 1. Furthermore, Sauer does not attempt to address or even recognize the problem of synchronization or resynchronization that may take place due to a loss of reception.

Olafsson, also cited by the Examiner, is addressed to a different form of synchronization, namely symbol synchronization. Therefore, Olafsson is not relevant at all.

Furthermore, because Olafsson and Sauer deal with different types of synchronization, it is respectfully asserted that one of ordinary skill in the art would not even attempt to make the asserted combination. See MPEP Sections 2140 et seq. It is therefore respectfully requested that the Examiner withdraw his rejection as to this claim.

Claims 2-19 either depend from claim 1 or contain similar limitations. Therefore, it is respectfully asserted that these claims distinguish from the cited patents on at least the same basis. It is therefore respectfully requested that the Examiner withdraw his rejection as to these claims as well.

It is noted that the Examiner asserted that several claimed features of the dependent claims are either common or well-known in the art (pages 4 and 5 of the Office Action). The Examiner also attempts to take official notice (page 4 of the Office Action). The Examiner attempts to do this specifically with respect to claims 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 18, and 19. ***This reliance on "official notice" or that something is "well-known in the art" or "common" or "a matter of common knowledge" with respect to any of these claims is specifically traversed. It is respectfully asserted that the Examiner must provide prior art that shows these claimed features in order to support his rejections. See MPEP section 2144.03 Because he has failed to do this, he has failed to met his legal burden.***

Finally, in response to the Examiner's remarks regarding claim 8, as indicated above, claim 8 depends from claim 1. Therefore, claim 8 distinguishes from the cited patents for at least the reasons indicated previously with respect to claim 1.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Consideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

Dated:

1/29/02

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Date of Deposit

Angie C. Farr
Name of Person Mailing Correspondence

Cynthia C. Farr 1-29-02
Signature Date

MARKED VERSION OF AMENDMENTS TO SHOW CHANGES

IN THE SPECIFICATION:

Please amend the specification at page 8, line 0 as follows:

Replace "Claims" with --What is claimed is--

IN THE CLAIMS:

Please amend claim 8 as follows:

8. The method of claim 6, and further comprising:

applying a hysteresis sub-process at ~~[end end]~~one of the two ends if nonvalid data is received at that end after resynchronization has occurred at both ends.